

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and use ~~or~~ underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
FEB 17 2004

~~County~~
~~City~~ of Moira
~~Town~~
~~Village~~

MISCELLANEOUS
& STATE RECORDS

Local Law No. 2 of the year 2004

A local law authorizing the operation of snowmobiles on designated Town
(insert Title)
roads, portions thereof or designated trails in the Town of
Moira, Franklin County, New York State

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Moira as follows:
~~Town~~
~~Village~~

See attached Exhibit "A"

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20 04 of the ~~(County)(City)(Town)(Village)~~ of Moira was duly passed by the Town Board on February 10, 20 04, in accordance with the applicable provisions of law.
(Name of Legislative body)

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20 _____ in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____, 20 _____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____, 20 _____, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____, 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Kathleen B. Aronoff
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: Feb. 10, _____, 2004

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF FRANKLIN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Paul M. Campbell
Signature

Attorney for Town
Title

~~County~~
~~City~~ of Moira
Town
~~Village~~

Date: February 12th, 2004

EXHIBIT "A"

ARTICLE 1 - PURPOSE

The Town of Moira has determined that snowmobiles, as defined in Section 21.05 of the Parks, Recreation and Historic Preservation Law of the State of New York (hereinafter "Parks and Recreation Law"), should be permitted to be operated on designated public streets, highways and snowmobile trails within the Town of Moira.

ARTICLE 2 - DEFINITIONS

(a) The terms, words and phrases used in this local law shall have the same meaning as such terms, words or phrases are defined in Section 21.05 of the Parks and Recreation Law and Part 453.1 of the New York State Office of Parks, Recreation and Historic Preservation's Rules and Regulations (9 N.Y.C.R.R. § 453.1).

(b) Whenever the word "Town" is used herein, it shall mean the Town of Moira.

(c) Whenever the word "accompanied" is used herein, it shall mean that a snowmobile operator is within sight of and not separated by more than 100 yards from a person, who has attained the age of 18 years, that is supervising said snowmobile operator.

ARTICLE 3 - FINANCIAL RESPONSIBILITY

(a) A snowmobile operated in the roadway or shoulder of a public street, highway or snowmobile trail in the Town shall be covered by a policy of liability insurance, in such language and form as shall be determined and established by the State of New York Superintendent of Insurance and issued by an insurance carrier authorized to do business in the State of New York. The minimum amount of liability insurance coverage specified in Section 25.13 of the Parks and Recreation Law and Part 460.2 of the New York State Office of Parks, Recreation and Historic Preservation's Rules and Regulations (9 N.Y.C.R.R. § 460.2) is required for such a policy.

(b) Proof of insurance as required by Section 25.13 of the Parks and Recreation Law and Part 460.3 of the New York State Office of Parks, Recreation and Historic Preservation's Rules and Regulations (9 N.Y.C.R.R. § 460.3) shall be produced and displayed upon the request of any magistrate, law enforcement officer, or any person authorized to enforce Section 25.13 of the Parks and Recreation Law and/or this local law. Failure to produce such proof of insurance upon request shall be presumptive evidence that the snowmobile is being operated without having

such insurance in full force and effect.

(c) Proof of insurance as required by Section 25.13 of the Parks and Recreation Law and Part 460.3 of the New York State Office of Parks, Recreation and Historic Preservation's Rules and Regulations (9 N.Y.C.R.R. § 460.3) shall be produced and displayed upon the request of any person who has suffered or claims to have suffered either personal injury or property damage as a result of the operation of a snowmobile by the owner or operator. It shall be an affirmative defense to any prosecution for violation of this local law that such proof of insurance was produced or displayed within 24 hours of receiving notice of such injury or damage, or the claim of such injury or damage.

ARTICLE 4 - SNOWMOBILE OPERATION RESTRICTIONS

(a) No person shall operate a snowmobile on any public street, highway or snowmobile trail in the Town between the hours of 11:00 p.m. to 8 a.m., except Friday and Saturday nights when the curfew shall begin two hours later.

(b) No person under the age of 14 years shall operate a snowmobile on any designated public street, highway or snowmobile trail in the Town unless the person possesses a Snowmobile Safety Certificate, as provided for in Section 25.19 of the Parks and Recreation Law, and is accompanied by a person over the age of 18 years.

(c) A person over the age of 14 years, but under 18 years who possesses a Snowmobile Safety Certificate may operate a snowmobile on any designated public street, highway or snowmobile trail unaccompanied, except after 6:00 p.m. when the person must be accompanied by a person over the age of 18 years.

(d) No person shall operate a snowmobile within 100 feet of a dwelling between the hours of 12 a.m. (midnight) to 6 a.m. at a speed greater than the minimum required to maintain forward movement of the snowmobile.

(e) All snowmobiles operated in the Town shall be equipped and operated in such a manner that complies with the laws of the State of New York, including, but not limited to, Sections 25.03 and 25.17 of the Parks and Recreation Law.

ARTICLE 5 - SNOWMOBILE OPERATION ON PUBLIC STREETS AND HIGHWAYS

It shall be unlawful to operate a snowmobile on the public streets or highways in the Town except as provided below:

(a) Emergency Travel: In an emergency, for the purpose of emergency travel only, during the period of time when and at locations where snow upon the public streets or highways renders travel by motor vehicles impractical, as declared by the Town Supervisor, travel shall be permitted on any public street or highway in Town.

(b) Crossing Public Streets and Highways: Snowmobiles may make a direct crossing of any public street or highway within the Town provided:

(i) the crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(ii) the snowmobile is brought to a complete stop before crossing the shoulder or main-traveled way of the highway;

(iii) the operator yields the right of way to all oncoming traffic which constitutes an immediate hazard; and

(iv) if the event the crossing is made between the hours of sunset and sunrise, or in conditions of reduced visibility, such crossing is permitted only if front and rear lights of the snowmobile are on.

(c) Culverts and Bridges: Snowmobiles may be operated on public streets or highways in Town when necessary to cross a bridge or culvert.

(d) Town Streets and Highways Open for Snowmobiles: In addition to designated snowmobile trails in the Town open for snowmobile operation, the following public streets and highways or portions thereof in the Town are designated for the purpose of operating snowmobiles pursuant to Section 25.05(7) of the Parks and Recreation Law:

Alburg Road	High Street	Phillips Road
Barrett Road	John Hill Road	Potter Road
Best Road	Kit Clark Road	Riverbend Avenue
Brigham Hill Road	Mahoney Road	Russell Road
Buckwheat Road	McCarthy Road	Savage Road
Chandler Road	McCouslin Road	Slater Road
Clark Street	Mill Road	South Wood Road
Dow Road	Northwood Road	Spring Grove Road
Elmer Road	O'Connell Road	Wangum Road
Finnegan Road	Patterson Road	West Road
Hazen Road	Perry Road	

To the extent any of the above-mentioned public streets or highways extend into a neighboring municipality, only that portion of the above-mentioned public street or highway located within in the Town is open to snowmobile operation pursuant to this Article. Nothing in this Article or local law is intended to grant any snowmobile operator the right to use any public street or

highway located outside of the Town.

(e) Unplowed Public Streets and Highways: The following Town public streets and highways are hereby identified as customarily unplowed and, thus, are open to snowmobile operation pursuant to Section 25.05(5) of the Parks and Recreation Law:

Miller Road (only that portion located within the Town)
Saxton Road

ARTICLE 6 - SNOWMOBILE OPERATION ON PUBLIC STREETS AND HIGHWAYS DESIGNATED FOR SNOWMOBILE USE

(a) Signage of Open Public Street or Highway in Town: Pursuant to Section 25.09 of the Parks and Recreation Law, snowmobiles shall only be operated on public streets and highways when such public streets and highways have been designated by signs and markers in conformity with the Manual of Uniform Traffic Control Devices.

(b) Open Travel Areas: Wherever possible, snowmobiles shall be operated on the outside banks of the public streets and highways listed above in Article 5(d) of this local law. Where the outside banks of said public streets and highways are impassable by reason of prevailing snow conditions or conditions of terrain, snowmobiles will be operated on the shoulders and inside banks of such public streets or highways or portion thereof so designated. Where both the outside banks, shoulders and inside banks are impassable or nonexistent by reason of prevailing snow conditions or conditions of terrain, snowmobiles may travel on the roadway in single file, shall not ride tandem or abreast of each other except in overtaking another snowmobile, and shall travel on the extreme right side of the road in the same direction at vehicular traffic, however, that any permission to operate a snowmobile under this paragraph is to extend only from the point on the street or highway where the outside bank or shoulder and inside bank has become impassable to the nearest exit point from said street or highway where the shoulder or inside bank or outside bank is passable. It being the intention that snowmobiles shall operate on outside banks wherever possible and on the inside bank or shoulder only when said banks are impassable, and that snowmobiles only are authorized to operate on the roadway when the outside banks, shoulders and inside banks are impassable.

(c) No person shall operate a snowmobile on or across a public street or highway while pulling a person on skis or drawing or towing a sleigh, sled, or toboggan which carries or transports any person. No person on skis shall be pulled by, and no person shall ride on or in a sleigh, sled or toboggan which is being towed or trailed by a snowmobile on a public street or highway.

(d) Snowmobile operators shall comply with all State of New York State laws relating

to the operation of snowmobiles including, but not limited to, Section 25.05 of the Parks and Recreation Law.

ARTICLE 7 - LIABILITY

The Town does not assume liability or responsibility for any unsafe condition or defect on its unplowed public streets, roads or highways, unless written notice of said condition or defect shall be received by the Town as provided in Section 65-a of the Town Law, and the Town has had reasonable time to correct said defect or dangerous condition.

ARTICLE 8 - VIOLATIONS

Pursuant to the State of New York Vehicle and Traffic Law and the Parks and Recreation Law, in addition to any penalty contained in any other provision of law, any person who violates this local law shall be a guilty of a violation punishable by a fine of up to a maximum of one hundred dollars (\$100). Upon conviction of a violation of any provision of this local law, a court may also require the convicted person, in addition to any monetary fines, to successfully complete a snowmobile safety course approved by the Commissioner of State Parks, Recreation and Historic Preservation.

ARTICLE 9 - SEVERABILITY

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE 10 - REPEAL

All ordinances, local laws, and regulations inconsistent with this local law are hereby repealed. Specifically, the Town of Moira Local Law No. 1 of the Year 1972 is hereby repealed.

ARTICLE 11 - EFFECTIVE DATE

This local law shall become effective immediately upon filing with the State of New York Secretary of State.